

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAWOOD PARKER ART UNIT: 3742
SERIAL NO.: 09/762,923 EXAMINER: DANIEL L. ROBINSON
FILED: APRIL 16, 2001
TITLE: OPTICAL DEVICE

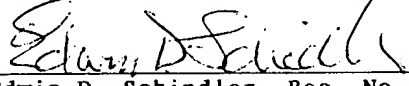
ELECTION IN REPLY TO RESTRICTION REQUIREMENT AND
AMENDMENT IN RESPONSE TO THE FIRST OFFICE ACTION

Box Non-Fee Amendments (Pats.)
Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the first Office Action, dated January 13, 2004, please enter the election-of-invention in response to the Examiner's Restriction Requirement and amend the above-identified patent application, as indicated on the following pages:

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.


Edwin D. Schindler, Reg. No. 31,459

February 13, 2004
Date

ELECTION-OF-INVENTION

Applicant hereby elects the claims of Group "B,"
i.e., Claims 18-26, drawn to a method of SO₂ monitoring.

As explained greater detail hereinafter, independent Claim 18 has been amended to correct a typographical error and to clarify that it is the total blood oxygenation (SO₂) that is to be monitored, as opposed to only arterial blood oxygenation (SaO₂). This change in the preamble of Claim 18 is being entered so that the preamble will conform to the body of the claim, to the Specification and to the primarily-stated purpose of the invention.

Having elected the claims of Group "B" to prosecute on the merits in the instant application, Applicant respectfully reserves the right to prosecute the subject matter of the non-elected groups of claims in one or more divisional applications to be filed during the pendency of the present prosecution or during the prosecution of any continuing application.